

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Kevin A. Ashby,

Plaintiff,
v. ORDER
Civil No. 08-327 (MJD/AJB)

Michael J. Astrue,
Commissioner of Social Security,

Defendant.

The above-entitled matter comes before the Court upon Plaintiff's objection to the Report and Recommendation of United States Magistrate Judge Arthur J. Boylan dated January 29, 2009.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based on that review the Court will adopt the Report and Recommendation dated January 29, 2009.

IT IS HEREBY ORDERED that:

1. The Plaintiff's Motion for Summary Judgment [Doc. No. 21] is DENIED;
2. The Defendant's Motion for Summary Judgment [Docket No. 35] is GRANTED; and

3. The Plaintiff's Motion for Injunction Relief [Doc. No. 16] is
DENIED AS MOOT.

Date: February 17, 2009

s/ Michael J. Davis

Michael J. Davis
Chief Judge
United States District Court